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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 6918/2007

PETITIONERS

1. Gunmani Gupta, s/o Shri Gajendar Gupta, aged about 43 years, Assistant Teacher, Primary School, Ghanatarai, Block Pussore, Distt. Raigarh (C.G).
2. Santosh Kumar Sao, s/o Shri Balakram Sao, aged about 48 years, Assistant Teacher, Govt. Primary School Bade Hardi, Block Pussore, Distt. Raigarh (C.G)
3. Dileshwar Prasad Sao, s/o Shri Bhupdev Sao, aged about 48 years, Assistant Teacher, Govt. Primary School Ghanatarai, Block Pussore, Distt. Raigarh (C.G).
4. Subhash Chandra Hota, s/o Shri Sheshcharan Hota, aged about 48 years, Assistant Teacher, Govt. Middle School Netnagar, Block Pussore, Distt. Raigarh (C.G).
5. Ishwar Sethi, s/o Shri Sanatan Sethi, aged about 48 years, Assistant Teacher, Govt. Primary School, Bhathanpali, Block Pussore, Distt. Raigarh (C.G).
6. Sudama Sahu, s/o Shri Sadhaw Lal Sahu, aged about 34 years, Assistant Teacher, Govt. Primary School Navapara, Block Pussore, Distt. Raigarh (C.G)
7. Durbasa Mishra s/o Shri Devdutta Mishra, aged about 47 years, Assistant Teacher, Govt. Primary School Chhapora, Block Pussore, Distt. Raigarh (C.G).
8. Jeewan Prasad Patel, s/o Shri Chaitram Patel, aged about 48 years, Assistant Teacher, Govt. Primary School, Chhich, Block Pussore, Distt. Raigarh (C.G).
9. Subhash Mishra, s/o Shri Shriram Mishra, aged about 47 years, Assistant Teacher, Govt. Primary School Dhanuhardera, Block Pussore, Distt. Raigarh (C.G).
10. Gokul Prasad Panda, s/o Shri Chitrasen Panda, aged about 46 years, Assistant Teacher, Govt. Primary School, Rengalpali, Block, Pussore, Distt. Raigarh (C.G).

Versus



RESPONDENTS

1. State Govt. of Chhattisgarh,
Through: The Secretary,
School Education Department, D.K.S.
Bhawan, Raipur (C.G.)
2. The District Education Officer, Raigarh,
distt.Raigarh (C.G)
3. Block Education Officer, Block
Pussore, Distt. Raigarh (C.G).

**WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF
INDIA**

Appearance:

Shri Dhani Ram Patel, Counsel for the petitioners.

Ms. Sunita Jain, Panel Lawyer for the State/respondents on
advance copy.

ORAL ORDER
(21.11.2007)

SUNIL KUMAR SINHA, J

Heard on admission.

Learned counsel for the petitioners submits that the petitioners have passed D.Ed., examination on their own expenses, therefore, they are entitled to receive two advance increments according to circulars dated 24.12.1998 & 01.3.1999. He also submits that in many identical matters, the petitions have been allowed in terms of the order passed in the case of *Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (2006 (II) MPJR-CG 96)*. He submits that the case of the petitioners is squarely covered by the said decision.

This legal position is not disputed by learned counsel for the State. However, he submits that the order may be passed in terms of the said judgment, but it shall be subject to verification regarding petitioners' such qualification.

Accordingly, this writ petition is allowed in terms of the order passed in case of *Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (supra)* subject to verification of the facts as to whether the petitioners had acquired D.Ed., Examination Certificate on their own expenses as per circulars dated 24.12.1998 & 01.3.1999 and further whether they have been paid two advance increments or not.

This petition stands finally disposed of. No order as to costs.

Sd/-
Sunil Kumar Sinha
Judge